

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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IN RE DORIS J. MITCHELL

Case No. 2:16-cv-00555-APG

DORIS J. MITCHELL,

**ORDER DISMISSING BANKRUPTCY
APPEAL**

Appellant,

v.

NATIONSTAR MORTGAGE, LLC,

Appellee.

Appellant Doris J. Mitchell appeals the bankruptcy court's order dismissing her adversary proceeding. However, Mitchell did not timely file her notice of appeal. I therefore dismiss the appeal for lack of jurisdiction.

Mitchell filed a voluntary bankruptcy petition in January 2015. *In re Mitchell*, 15-10312-led, ECF No. 1. She then filed an adversary proceeding against Appellee Nationstar Mortgage, LLC in July 2015. *In re Mitchell*, 15-10312-led, ECF No. 51; *see also Mitchell v Nationstar Mortgage, LLC*, 15-01114-led. On August 10, 2015, the bankruptcy clerk of court issued a notice that the adversary proceeding would be dismissed without prejudice unless an objection was filed within 21 days. *Mitchell v Nationstar Mortgage, LLC*, 15-01114-led, ECF No. 5. Mitchell did not timely file an objection. The bankruptcy court dismissed the adversary action without prejudice on September 21, 2015. *Mitchell v Nationstar Mortgage, LLC*, 15-01114-led, ECF No. 16. Mitchell filed her notice of appeal on March 9, 2016. ECF No. 1; *see also Mitchell v Nationstar Mortgage, LLC*, 15-01114-led, ECF No. 24.

Mitchell moved to reopen the adversary proceeding in the bankruptcy court on March 24, 2016. *Mitchell v Nationstar Mortgage, LLC*, 15-01114-led, ECF No. 47. The bankruptcy court

1 denied that motion on May 13, 2016. *Mitchell v Nationstar Mortgage, LLC*, 15-01114-led, ECF
2 No. 55. Mitchell did not appeal that ruling.

3 Absent exceptions not relevant here, an appeal from a bankruptcy court's decision must be
4 filed "within 14 days after entry of the judgment, order, or decree being appealed." Fed. R. Bankr.
5 P. 8002(a)(1). "The untimely filing of the notice of appeal is jurisdictional." *In re Souza*, 795
6 F.2d 855, 857 (9th Cir. 1986); *see also In re Ozenne*, 841 F.3d 810, 814 (9th Cir. 2016) (en banc).

7 Mitchell did not file her notice of appeal within 14 days of the bankruptcy court's order
8 dismissing her adversary proceeding. Thus, I lack jurisdiction over this appeal.

9 IT IS THEREFORE ORDERED that appellant Doris J. Mitchell's appeal is DISMISSED
10 for lack of jurisdiction. The clerk of court is instructed to close this case.

11 DATED this 5th day of January, 2017.

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ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE
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